

## Message Text

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TAGS: SHUM

SUBJECT: 1978 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES:  
BANGLADESH

REF: DACCA 0584

1. AS EMBASSY REQUESTED, TEXT OF HUMAN RIGHTS REPORT  
REPEATED BELOW. TEXT MAY NOT REPEAT NOT BE HANDED OVER  
TO BDG UNTIL 12 NOON EST, JANUARY. WE PLAN TO DELIVER  
COPY OF REPORT TO BANGLADESH EMBASSY AFTERNOON OF  
JANUARY 31. TEXT FOLLOWS:

BANGLADESH - BANGLADESH IS ONE OF THE WORLD'S MOST  
IMPOVERISHED AND OVERPOPULATED COUNTRIES. DURING THE  
FOUR-YEAR RULE OF THE LATE SHEIKH MUJIBUR RAHMAN (MUJIB)  
IMMEDIATELY FOLLOWING INDEPENDENCE, THE GOVERNMENT WAS  
INEFFECTIVELY ADMINISTERED, THE ECONOMIC SITUATION DETERIOR-  
ATED, AND POLITICAL ASSASSINATION WAS WIDESPREAD.  
PRESIDENT ZIAUR RAHMAN (ZIA) TOOK POWER AS A MARTIAL LAW  
ADMINISTRATOR IN NOVEMBER, 1975 AT THE END OF A SERIES OF  
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ADMINISTRATOR IN NOVEMBER, 1975 AT THE END OF A SERIES OF  
COUPS AND HAS GRADUALLY BEEN TURNING OVER RESPONSIBILITY  
TO CIVILIAN AUTHORITIES. THERE HAS BEEN A MODEST BUT  
BROAD-BASED IMPROVEMENT IN THE QUALITY OF PUBLIC ADMIN-  
ISTRATION, THE ECONOMY AND PUBLIC ORDER. IN A NATIONWIDE

ELECTION ON JUNE 3, 1978, WITH A 53 PERCENT VOTER  
TURNOUT, ZIA WAS ELECTED PRESIDENT BY A MAJORITY OF  
77 PERCENT.

DURING THE PAST YEAR, THERE HAS BEEN SIGNIFICANT PROGRESS IN FULFILLING COMMITMENTS TO RESTORE POLITICAL FREEDOMS AND TO PROMOTE ECONOMIC DEVELOPMENT. THE NUMBER OF POLITICAL PRISONERS HAS BEEN REDUCED BY MORE THAN HALF; THOSE RELEASED DURING THE YEAR HAVE INCLUDED SOME VOCAL OPPONENTS OF THE GOVERNMENT. THE JUNE PRESIDENTIAL ELECTION WAS CONDUCTED FAIRLY, THOUGH THE BREVITY OF THE CAMPAIGN WORKED AGAINST ALL BUT THE FRONT-RUNNER. PARLIAMENTARY ELECTIONS ARE SCHEDULED FOR FEBRUARY 12, 1979. WHILE THE MARTIAL LAW APPARATUS IS STILL IN PLACE, ITS POWER HAS BEEN REDUCED, AND THE GOVERNMENT HAS ANNOUNCED IT WILL BE WITHDRAWN TOTALLY AFTER THE PARLIAMENTARY ELECTIONS. IN THE AREA OF ECONOMIC RIGHTS, THE GOVERNMENT HAS COMMITTED ITSELF IN ITS AGREEMENTS WITH DONOR COUNTRIES, THE UNITED STATES IN PARTICULAR, TO ADDRESS THE NEEDS OF ITS POOREST CITIZENS.

1. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING  
----FREEDOM FROM:

----A. TORTURE  
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THE DEPARTMENT OF STATE IS NOT AWARE OF ANY EVIDENCE OR ALLEGATIONS OF TORTURE IN BANGLADESH.

----B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR  
---- PUNISHMENT

IT IS A CRIME IN BANGLADESH TO COERCE OR INTIMIDATE CITIZENS OR OTHERWISE ABUSE POLICE POWERS, AND THE BANGLADESH GOVERNMENT IS IMPROVING DISCIPLINE IN THE POLICE FORCE.

ORDINARY PRISONERS ARE TREATED HARSHLY. PRISONS ARE GENERALLY OVERCROWDED. RELEASED DETAINEES HAVE COMPLAINED OF INADEQUATE NUTRITION AND MEDICAL ATTENTION. THESE CONDITIONS RESULT MORE FROM A LACK OF RESOURCES THAN FROM DELIBERATE NEGLECT. FURTHER OF RESOURCES THAN FROM DELIBERATE NEGLECT. FURTHER PRISONER RELEASES SHOULD REDUCE THE OVERCROWDING IN THE JAILS AND PROVIDE MORE ACCESS TO MEDICAL FACILITIES AND SERVICES NOW INSUFFICIENTLY AVAIL-

ABLE. IN NOVEMBER 1978, THE GOVERNMENT ANNOUNCED THE APPOINTMENT OF A JAIL REFORM COMMISSION TO STUDY ALL ASPECTS OF PRISON ADMINISTRATION IN THE COUNTRY.

AFTER AN OCTOBER 1977 COUP ATTEMPT AND DURING EARLY 1978, INTERNATIONAL CONCERN WAS FOCUSED ON REPORTS, INCLUDING ONE BY AMNESTY INTERNATIONAL, THAT TWO HUNDRED OR MORE SOLDIERS WERE EXECUTED FOR MUTINY AFTER SUMMARY, CLOSED, PROCEEDINGS. THE BANGLADESH GOVERNMENT HAS NEVER MADE ANY FIGURES PUBLIC ON THE NUMBER EXECUTED NOR DESCRIBED THE METHODS OF JUDICIAL PROCEDURE USED. OFFICIALS HAVE NOTED THAT NO CIVILIANS WERE INVOLVED AND THAT SOME MUTINEERS LIMITED OFFICIAL USE  
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-- ALL MILITARY PERSONNEL -- WERE ACCORDED THE TRADITIONAL MILITARY PENALTY FOR MUTINY.

----C. ARBITRARY ARREST OR IMPRISONMENT

THE PRESENT GOVERNMENT HAS RELEASED OVER 15,000 PRISONERS SINCE COMING TO POWER IN 1975. IN 1978, 3,931 PRISONERS WERE FREED. THESE RELEASES HAVE COINCIDED WITH SIGNIFICANT NATIONAL HOLIDAYS. IN ADDITION TO THE AMNESTIES, THERE HAS BEEN A STEADY TRICKLE OF RELEASES THROUGH ABEAS CORPUS PETITIONS TO THE CIVIL COURTS.

OF THE OVER 15,000 DETAINEES RELEASED, MORE THAN 6,000 WERE POLITICAL PRISONERS (WHOM THE REGIME DEFINES AS PERSONS HELD WITHOUT TRIAL). MOST OF THESE PERSONS HAD BEEN JAILED BY THE THREE GOVERNMENTS FOLLOWING INDEPENDENCE IN 1971. OF THE 3,931 FREED BY LATE 1978, 914 WERE IDENTIFIED AS POLITICAL DETAINEES. WHILE THE BANGLADESH GOVERNMENT HAS NEVER STATED PRECISELY HOW MANY POLITICAL PRISONERS IT HOLDS, SLIGHTLY MORE THAN 500 REPORTEDLY REMAIN IMPRISONED. THE ZIA GOVERNMENT HAS ARRESTED MORE THAN 100 PRISONERS, INCLUDING FORMER PRESIDENT - MUSHTAQUE AHMED. HOWEVER, SOME OF THESE, INCLUDING MUSHTAQUE, HAVE BEEN ACCUSED AND CONVICTED OF SUCH NON-POLITICAL CRIMES AS CORRUPTION.

AMNESTY INTERNATIONAL IN ITS ANNUAL REPORT FOR 1977 ESTIMATED THAT POLITICAL PRISONERS IN BANGLADESH NUMBERED 10,000-15,000. THE DIFFERENCE BETWEEN THIS FIGURE AND THE LATE 1978 ESTIMATE OF "SLIGHTLY MORE THAN 500" REFLECTS RELEASES IN THE INTERIM AS LIMITED OFFICIAL USE  
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WELL AS DIFFERING DEFINITIONS OF "POLITICAL PRISONER". AMNESTY INTERNATIONAL APPARENTLY

ASSUMES THAT ALL PRISONERS HELD AND TRIED UNDER EMERGENCY LEGISLATION AND MARTIAL LAW REGULATIONS ARE POLITICAL PRISONERS. HOWEVER, THESE LAWS AND REGULATIONS ALSO COVER SUCH CRIMES AS MURDER, CORRUPTION, HOARDING AND SMUGGLING, AND WERE DESIGNED IN PART TO PROVIDE "QUICK JUSTICE" IN A DISORDERLY COUNTRY.

----D. DENIAL OF FAIR PUBLIC TRIAL

AT PRESENT, TWO COURT SYSTEMS OPERATE IN BANGLADESH. CIVIL COURTS WITH GUARANTEES OF FAIR AND PUBLIC TRIALS HAVE JURISDICTION IN MOST CASES. HOWEVER, CASES INVOLVING TREASON, SEDITION, CORRUPTION, SMUGGLING, AND OTHER CHARGES WHICH ARE DEFINED AS "ANTI-STATE CRIMES" FALL UNDER THE JURISDICTION OF MARTIAL LAW COURTS. ALTHOUGH MARTIAL LAW ORDINANCES ORIGINALLY DID NOT PERMIT THE INDIVIDUAL CHARGED TO BE REPRESENTED BY COUNSEL, UNDER A RECENTLY INSTITUTED CHANGE A DEFENDANT CAN BE REPRESENTED BY LEGAL COUNSEL EXACTLY AS IN CIVIL COURTS. UNDER AN AMENDMENT TO THE ORDINANCES IN 1977, CIVILIAN COURTS MAY IN A FEW INSTANCES REVIEW THE PROCEEDINGS OF THE MARTIAL LAW COURTS.

DURING 1978, THE TREND HAS BEEN TOWARD MORE LIBERAL PROCEDURES IN TRIALS CONDUCTED UNDER AUTHORITY OF MARTIAL LAW. THE GOVERNMENT STATES THAT WITH THE EXCEPTION OF PERSONS CHARGED WITH MURDER, MOST OF THOSE CHARGED ARE RELEASED ON BAIL. A FEW MARTIAL LAW TRIALS HAVE BEEN OPEN TO THE PUBLIC; A RECENT MURDER TRIAL BEFORE A MARTIAL LAW PANEL WAS EXTENDED OFFICIAL USE  
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SIVELY REPORTED IN BOTH THE BENGALI AND ENGLISH-LANGUAGE PRESS. MARTIAL LAW COURTS, BECAUSE THEY ARE AUTHORIZED TO TRY CASES BEFORE ALL PERSONS CHARGED HAVE BEEN APPREHENDED, ARE APPARENTLY SPEEDING THE DISPOSITION OF PENDING CASES AND THEREFORE REDUCING THE NUMBER OF PERSONS HELD IN JAIL PENDING TRIAL.

MARTIAL LAW COURTS ARE TO CEASE TO OPERATE AFTER THE WITHDRAWAL OF MARTIAL LAW FOLLOWING THE ELECTIONS IN FEBRUARY 1979.

----E. INVASION OF THE HOME

BANGLADESHI AUTHORITIES DO NOT ENGAGE IN ARBITRARY INVASION OF THE HOME. DURING THE PREVIOUS MUJIB

REGIME THE SANCTITY OF THE HOME WAS NOT HONORED.

2. GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT  
----OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE  
----AND EDUCATION

THE GOVERNMENT OF BANGLADESH IS COMMITTED TO IMPROVING THE LOT OF ITS PREDOMINANTLY RURAL MASSES, WHO ARE AMONG THE WORLD'S POOREST PEOPLE, WITH A STRATEGY WHICH EMPHASIZES AGRICULTURE AND RURAL DEVELOPMENT RATHER THAN URBAN, INDUSTRIAL GROWTH. THROUGH THIS APPROACH IT ALSO HOPES TO ALLEVIATE INEQUITIES IN DISTRIBUTION OF INCOME. THESE INEQUITIES REFLECT THE BASIC STRUCTURE OF BANGLADESH SOCIETY: A SMALL URBAN MIDDLE CLASS, A LARGER GROUP OF SMALL FARMERS WHO EARN A MODEST SURPLUS, AND A GROWING MASS OF MARGINAL FARMERS AND LIMITED OFFICIAL USE  
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LANDLESS LABORERS. INCREASED FOOD PRODUCTION IS CENTRAL TO THE GOVERNMENT'S RURAL DEVELOPMENT STRATEGY. BY MAKING LOW-COST FERTILIZER, LABOR-INTENSIVE HIGH-YIELD SEEDS, IRRIGATION AND CREDIT MORE WIDELY AVAILABLE, THE GOVERNMENT HOPES TO ACHIEVE SELF-SUFFICIENCY IN FOODGRAINS AND TO GENERATE NEW LABOR-INTENSIVE GROWTH SECTORS SUCH AS SMALL RURAL INDUSTRY. EXTENSIVE RURAL PUBLIC WORKS, INCLUDING FOOD-FOR-WORK PROGRAMS, ARE ANOTHER ELEMENT OF THIS POLICY. THE GOVERNMENT IS ALSO ATTEMPTING TO STRENGTHEN ITS FAMILY PLANNING EFFORTS. IT RECENTLY ANNOUNCED A MAJOR PROGRAM FOR A SYSTEM OF RURAL MEDICS TO OVERCOME SERIOUS DEFICIENCIES IN RURAL HEALTH CARE.

DESPITE THIS NEW COMMITMENT TO HELPING BANGLADESH'S POOR MAJORITY, THE GOVERNMENT'S LIMITED RESOURCES ARE INADEQUATE TO KEEP PACE WITH POPULATION GROWTH. SERIOUS INEQUITIES IN DISTRIBUTION OF INCOME AND RESOURCES PERSIST. CORRUPTION IS UNDERSTOOD TO BE WIDESPREAD IN BOTH THE PUBLIC AND PRIVATE SECTOR, HAS BEEN DIFFICULT TO CHECK, AND CONTINUES TO DIVERT RESOURCES FROM ECONOMIC DEVELOPMENT AND SOCIAL REFORM. BUDGET ALLOCATIONS FOR STATE INDUSTRIES, HIGHER EDUCATION, URBAN

HEALTH, UTILITIES AND OTHER SERVICES, AS WELL AS HIGHER WAGES PAID TO ORGANIZED LABOR AND PUBLIC EMPLOYEES, ALSO CONFER DISPROPORTIONATE BENEFITS ON THE URBAN CLASSES. FARMERS WITH RELATIVELY LARGE HOLDINGS HAVE MORE OPPORTUNITIES TO OBTAIN FERTILIZER, CREDIT, WATER AND OTHER PRODUCTION INPUTS THAN

DO MARGINAL FARMERS OR SHARECROPPERS.

IN ADDRESSING THESE INEQUITIES AND THE IMMENSE  
NEEDS OF THE POOR, THE GOVERNMENT REJECTS A POLICY  
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OF RAPID REDISTRIBUTION OF EXISTING WEALTH.  
BECAUSE OF BANGLADESH'S LIMITED RESOURCES, WEAK  
ECONOMIC INSTITUTIONS AND LOW PRODUCTIVITY, THERE  
IS LITTLE WEALTH TO DISTRIBUTE. CONSEQUENTLY, THE  
GOVERNMENT PURSUES A POLICY OF POLITICAL LIBERALI-  
ZATION WHICH SHOULD PRODUCE EVOLUTIONARY SOCIAL  
CHANGE, AND IT HAS ADOPTED A STRATEGY WHICH IT  
HOPES WILL PROMOTE ECONOMIC GROWTH AND SIMUL-  
TANEOUSLY INCREASE EQUITY BY CREATING EMPLOYMENT  
AND BRINGING MORE POOR PEOPLE INTO THE PROCESS OF  
PRODUCTION.

3. RESPECT FOR CIVILIAN POLITICAL LIBERTIES INCLUD-  
--- ING:

--- A. FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION  
---- AND ASSEMBLY

DURING THE INITIAL PERIOD OF MARTIAL LAW THE RIGHT  
OF FREEDOM OF EXPRESSION, INCLUDING FREEDOM OF  
SPEECH AND OF THE PRESS, WAS CURTAILED. A DEMONS-  
TRATION BY JOURNALISTS FOR RESTORATION OF PRESS  
FREEDOM TOOK PLACE IN DACCA IN MID-1978 AND WAS  
BROKEN UP BY THE POLICE, WITH ARRESTS AND IN-  
JURIES. BUT RESTRICTIONS HAVE NOW BEEN GREATLY  
EASED. AS NOTED BELOW, POLITICAL PARTIES NOW  
FREELY EXPRESS THEIR VIEWS IN PUBLIC MEETINGS.  
WHILE THE NUMEROUS GOVERNMENT-OWNED NEWSPAPERS  
CARRY GOVERNMENT-DIRECTED NEWS, PRIVATELY -OWNED  
PAPERS, INCLUDING BANGLADESH'S LEADING DAILY,  
CRITICIZE THE GOVERNMENT, ALTHOUGH EXERCISING A  
DEGREE OF SELF-CENSORSHIP.

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VIRTUALLY ALL RESTRICTIONS ON POLITICAL ACTIVITY  
HAVE BEEN LIFTED, AND THE POLITICAL SCENE HAS  
RESUMED ITS FORMER VIBRANCY. THE GOVERNMENT HAS  
NOT INTERFERED WITH PUBLIC MEETINGS CALLED BY

OPPOSITION PARTIES, NOR HAS IT MOVED AGAINST GROUPS  
WHICH HAVE CRITICIZED GOVERNMENT POLICIES. THE BAN

ON STRIKES REMAINS TECHNICALLY IN EFFECT, BUT NO PUNITIVE ACTION WAS TAKEN WHEN VARIOUS GROUPS OF PUBLIC SECTOR EMPLOYEES ENGAGED IN "PEN DOWN" STRIKES EARLY IN 1978. A FEW LABOR LEADERS WERE ARRESTED BRIEFLY AS A RESULT OF INCIDENTS ARISING FROM DEMONSTRATIONS DURING PUBLIC SECTOR STRIKES HELD IN LATE 1978, BUT THESE STRIKES WERE EVENTUALLY SETTLED THROUGH NEGOTIATIONS. THE GOVERNMENT HAS PROMISED TO PROMULGATE IN JANUARY 1979 A NEW LABOR POLICY PROVIDING FOR THE FULL RANGE OF UNION ACTIVITY. THOUGH "SECULARISM" HAS BEEN ELIMINATED AS A STATE GOAL UNDER THE CONSTITUTION, THERE HAVE BEEN NO INDICATIONS OF GOVERNMENT INFRINGEMENT OF THE RIGHTS OF MINORITY RELIGIOUS COMMUNITIES. IN INAUGURATING A HINDU RELIGIOUS CONFERENCE IN MARCH 1978, PRESIDENT ZIA REASSURED THE COUNTRY'S RELIGIOUS MINORITIES THAT THEIR RIGHTS AS CITIZENS OF BANGLADESH WOULD BE RESPECTED BY THE GOVERNMENT.

IN THE TRADITIONAL MUSLIM CULTURE OF BANGLADESH, WOMEN ARE DISADVANTAGED, PLAY A SECONDARY ROLE TO MEN AND ARE SELDOM SEEN IN PUBLIC. THE CONSTITUTION, HOWEVER, PROVIDES FOR EQUAL RIGHTS FOR WOMEN IN ALL SPHERES OF PUBLIC LIFE, AND WOMEN HOLD A FEW SENIOR GOVERNMENT POSITIONS, INCLUDING A CABINET LEVEL POST FOR WOMEN'S AFFAIRS. PRESIDENT ZIA HAS RECENTLY GIVEN PERSONAL ATTENTION TO ADDRESSING THE NEEDS OF WOMEN AND THE FAMILY.

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--- B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN  
--- TRAVEL AND EMIGRATION

BANGLADESHIS, INCLUDING THE "BIHARI" (NON-BENGALI, URDUSPEAKING MUSLIM) MINORITY, HAVE FREEDOM OF MOVEMENT WITHIN BANGLADESH. ALL BANGLADESHIS WHO ARE REGARDED AS LOYAL CITIZENS ARE FREE TO VISIT OR EMIGRATE ABROAD.

IN 1977 PAKISTAN AGREED TO LET AN ADDITIONAL 25,000 BIHARIS MIGRATE TO PAKISTAN. A MUCH LARGER NUMBER OF BIHARIS HAVE APPLIED FOR "REPATRIATION" TO

PAKISTAN, BUT PAKISTAN HAS NOT AGREED TO ACCEPT THEM. THE BANGLADESH GOVERNMENT REGARDS THESE PERSONS AS HAVING FORFEITED THEIR CITIZENSHIP BY REASON OF OPPOSITION TO THE BANGLADESH LIBERATION STRUGGLE IN 1971.

--- C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS

THE ZIA GOVERNMENT ON NOVEMBER 18, 1978 REPEALED THE POLITICAL PARTIES REGULATION, WHICH SPECIFIED POLITICAL PARTIES WHICH WERE ALLOWED TO ENGAGE IN LIMITED GOVERNMENTAPPROVED ACTIVITIES. THERE ARE NOW OVER TWENTY POLITICAL PARTIES ACTIVE IN BANGLADESH, INCLUDING THE FORMERLY BANNED JATIYA-SAMAJTANTRIK DAL (BELIEVED TO HAVE BEEN BEHIND THE MUTINY OF OCTOBER 1977), MUSHTAQUE AHMED'S DEMOCRATIC LEAGUE, AND MUJIB'S AWAMI LEAGUE.

4. GOVERNMENT ATTITUDE AND RECORD REGARDING INTER-LIMITED OFFICIAL USE  
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--- NATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF  
--- ALLEGED VIOLATIONS OF HUMAN RIGHTS

THE BANGLADESH GOVERNMENT HAS BEEN WILLING TO ALLOW INDEPENDENT OUTSIDE INVESTIGATION OF ALLEGED HUMAN RIGHTS VIOLATIONS. AMNESTY INTERNATIONAL REPRESENTATIVES VISITED BANGLADESH IN 1977 AND RECEIVED SOME COOPERATION FROM THE GOVERNMENT.

5. DECONTROL 12 NOON, E.S.T., JANUARY 31, 1979. VANCE

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## Message Attributes

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